



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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IN REPLY PLEASE

REFER TO FILE: **B-5**
A1301

January 5, 2005

TO: Each Supervisor

FROM: Donald L. Wolfe
Interim Director of Public Works

REBUILDING HOMES DESTROYED BY CURVE AND WILLIAMS FIRES OCTOBER 12, 2004, BOARD MOTION - SYNOPSIS NO. 51-A

The following is in response to the October 12, 2004, Board motion (copy attached) regarding the rebuilding of homes destroyed in the Angeles National Forest during the Curve and Williams Fires in September 2002. These wildfires destroyed 110 homes, used primarily as recreational residence cabins, in the San Gabriel Valley portion of the Angeles National Forest.

Since these cabins are located on Federal land, reconstruction of these cabins requires prior approval from the United States Forest Service (USFS). Shortly after the wildfires, the USFS issued a letter dated December 21, 2002 (copy attached), to affected property owners indicating the requirements for homeowners to rebuild the cabins. These requirements include compliance with all Federal and State laws; the USFS Forest Land Management Plan; all applicable environmental requirements; and the County's Building, Fire, and Health Codes. Furthermore, over the past years, the USFS met with many of the cabin owners or members of their Homeowners' Associations to discuss rebuilding requirements.

To date, none of the destroyed cabins have been rebuilt. This is primarily due to the fact that the USFS is continuing its evaluation regarding compliance with the Forest Land Management Plan and the many issues involved with fire access, fire fighting risks, water availability, fuel modification plans, slope stability, geologic concerns, private sewage disposal systems, flooding hazards, etc., in these areas. Furthermore, the existing permits issued by the USFS for residents to live in cabins on the affected parcels expire in 2008.

On November 3, 2004, Public Works convened a task force consisting of representatives from the Departments of Public Works, Fire, Health Services, and County Counsel to meet with representatives from the USFS to discuss rebuilding requirements for these cabins.

The following are the outcomes of the task force meeting:

- The USFS will review each recreation residence lot to determine if it is consistent with the Forest Land Management Plan and whether it is safe and appropriate to rebuild.
- The USFS anticipates completing its evaluation within the next 12 months regarding which cabins can be rebuilt.
- No conflicting rebuilding requirements were identified between the County and the USFS.
- The USFS agreed that all structures will comply with the County's Building, Fire, and Health Codes.
- Prior to applying for building permits from Public Works, applicants must obtain written preliminary approval from the USFS for compliance with the Forest Land Management Plan.
- The County provided the USFS with a customized agency referral sheet prepared by Public Works, as well as the guidelines pertaining to the requirements of the Fire and Health Departments.

On December 5, 2004, the USFS provided Public Works a letter (copy attached) summarizing the USFS' position and efforts to allow the destroyed cabins to be rebuilt. Also, the USFS has agreed to keep the County task force apprised of the rebuilding review process and environmental analysis.

Each Supervisor
January 5, 2005
Page 3

Once the USFS has determined which cabins can be rebuilt, the County task force will reconvene with the USFS. The County task force is committed to expediting processing of all permit applications and assisting any applicant with navigating the permit process through the County departments.

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Attach.

cc: Chief Administrative Office
Executive Office
Fire Department (Jim Bailey, Mark Nelson)
Department of Health Services (Richard Wagener, Francis Pierce)
County Counsel (Richard Weiss, Mark Yanai)
United States Forest Service (Marty Dumpis)

BTS
A1301

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA



PUBLIC WORKS

Interim Director of Internal Services

Violet Varona-Lukens, Executive Officer
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

At its meeting held October 12, 2004, the Board took the following action:

51-A

Supervisor Antonovich made the following statement:

"Several homes that are located entirely within the boundaries of the Angeles National Forest (ANF) were destroyed in 2002 during the Curve and Williams Fires. For many years the owners of these homes negotiated with the United States Forest Service (USFS) to secure permission to re-build their homes. Recently the USFS issued a written determination allowing these residents to rebuild their homes.

"Residents who lost their homes in the Curve and Williams Fires will apply for permits to the Building & Safety Division of the Department of Public Works. In the normal course of operations Building & Safety may consult with other departments concerning compliance with all relevant building, electrical, mechanical, plumbing and fire codes. The residents who owned homes destroyed in the Curve and Williams Fires are now faced with complying with the County of Los Angeles requirements that are presenting significant challenges in the rebuilding process. These residents have contacted my office with concerns about potentially conflicting requirements between the USFS and the County."

Peter Baxter addressed the Board.

After discussion, on motion of Supervisor Antonovich, seconded by Supervisor Burke, unanimously carried (Supervisor Knabe being absent), the Board directed the Interim Director of Public Works to:

1. Convene a task force that includes representatives from the Departments of Public Works, Fire, Health Services and County Counsel to formulate and recommend a consistent County policy relative to County requirements for individuals who would like to rebuild homes destroyed in the 2002 Curve and Williams Fires;

(Continued on Page 2)

51-A (Continued)

2. Directed the County task force to consult with the U.S. Forest Service representatives and residents whose homes were destroyed in the fires, and
3. Report back to the Board within 60 days.

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Copies distributed:

- Each Supervisor
- Fire Chief
- Chief Administrative Officer
- County Counsel
- ✓ Interim Director of Public Works
- Director of Health Services



United States
Department of
Agriculture

Forest
Service

San Gabriel River
Ranger District

110 N. Wabash Ave.
Glendora, CA 91741
626-335-1251 Voice
626-574-5209 TTY

File Code: 2720

Date: December 21, 2002

Dear Permittee:

I have enclosed the checklists that will be used for the consistency review to determine the extent to which continued recreation residence use is consistent with the standards and guidelines of the Forest Plan.

Checklist 1 is for each individual lot and the questions were developed to determine consistency with the Forest Plan, Federal, State, and County codes, Clean Water Act, Endangered Species Act, etc. This checklist will be used for all lots within the tract.

Checklist 2 is also for individual lots and is the standard inspection form that is currently being used on the District. This checklist will only be used for those residences that were not destroyed by the wildfires to determine their compliance with the terms and conditions of the special use permit.

Checklist 3 will be a summary of individual lots (checklists 1 and 2) within each tract. The questions were developed from specific standards and guidelines from the Forest Plan, which are included on the checklist.

Upon completion of Checklist 3, a determination will be made whether the recreation residence use is consistent with the Forest Plan. The next step will be to complete an environmental analysis that would analyze at a minimum the following alternatives: Rebuilding is allowed because use is consistent; use is not consistent but continuation of existing recreation residence use can occur through appropriate modification of the term permit provisions or amendment of the Forest Plan to accommodate the use; or to discontinue the use. These are just the minimum number of alternatives that would be analyzed. It is possible that more alternatives would be developed based upon the results of the review. The environmental analysis process provides for permittee involvement as well as public notice and participation.

Continuation of recreation residence use is addressed on a tract or group of tracts basis, not on individual lots. Therefore, this review will also include those residences that were not destroyed in each tract. By evaluating the entire tracts, this will allow us to complete the continuation determination for each tract also. Since this environmental analysis will be completed within 5 years of the 2008 expiration date of the current permits, it can address issuing a new authorization for 20 years. Many permittees had asked this question because they felt that banks would not loan money for rebuilding when a permit will expire within 5 years and there is no assurance of a new permit being issued.



The review is still planned for around mid-January as I am coordinating to have the appropriate County personnel present also. The president of the National Forest Homeowners, Roy Glauthier has agreed to participate in the review. As we get closer to finalizing the dates of the review, I will contact all of the affected permittees. Permittees will be invited to be present during the review.

I have also enclosed information regarding LA County requirements for fire, potable water, environmental health, and building codes. This is information that I have used to develop portions of the checklist with the assistance of County personnel. The intent of involving the County early in this process was to ensure that the permittees were provided all of the appropriate requirements that would be used in the review. The reason that the county is involved is that under the permit (Section IV, Clause A) it is the responsibility of the holder to comply with all present and future federal, state, county, and municipal laws, ordinances, or regulations which are applicable to the area or operations covered by the permit.

If you have any questions, please contact me at (626) 335-1251 extension 250 after January 3, 2003.

Sincerely,



MARTY DUMPIS
District Ranger

Enclosures

Cc: Marcia Abrams – Office of General Counsel
Donna Grosz – Regional Recreation Special Uses Assistant
Jody Cook – Angeles Forest Supervisor
Roy Glauthier – National Forest Homeowners
Mark Harmsen – Congressman Dreier District Representative
Dana Brown – San Dimas Canyon Improvement Association
Barret Wetherby – San Gabriel Canyon Property Owners Association
David Allen James, Sr. – Forest Preservation Society of Southern California



United States
Department of
Agriculture

Forest
Service

San Gabriel River
Ranger District

110 N. Wabash Ave.
Glendora, CA 91741
626-335-1251 Voice
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File Code: 2720-2

Date: December 5, 2004

Mazen Dudar
District Engineer
Los Angeles County Department of Public Works
San Gabriel Valley Office
125 South Baldwin Avenue
Arcadia, CA 91007

Dear Mr. Dudar:

The following is the information that you requested regarding the Forest Service's process in determining which recreation residence cabins could be rebuilt after being destroyed by the Curve and Williams Fires in September 2002.

Enclosed is the letter dated December 21, 2002, which was sent to all permittees informing them of the process that would be used in determining whether the cabins could be rebuilt. Included with this letter were several documents from various County Departments that provided information about construction requirements.

The Forest Service is required to review each recreation residence tract to determine if it is consistent with the Forest Plan and whether it is safe and appropriate to rebuild. The first three checklists enclosed with the December 21, 2002 letter were used to determine the consistency with the Forest Plan. The primary issues of concern were the locations of the lots within riparian areas, floodplains and areas prone to heavy sedimentation, and emergency access. Environmental issues included location of septic systems near streams, potable water, and road locations. The findings of the review were provided to each permittee along with the environmental analysis in October 2003.

I issued a Decision in April 2004 to allow a limited number of cabins to be rebuilt on lots that mitigated the environmental issues and which are next to roads meeting county emergency access codes. The Decision was appealed and I withdrew my Decision in July 2004 because new information and changes to the original decision were proposed during informal disposition meetings with the appellants. I am planning to issue a new decision in approximately 12 months.

One issue that has been raised numerous times is whether the permittees were aware of the numerous County codes applicable to rebuilding. I had obtained all of this information from representatives of the various County Departments right after the wildfires in 2002 because permittees had asked the Forest Service what the process would be to obtain County-building permits. I have provided information about the rebuilding process and code requirements to each permittee in writing. In addition, I have met with many of the permittees individually or with representatives of their Homeowners Associations over the past two years to discuss rebuilding concerns. Their primary concern from the beginning was that the fire and building codes are too



stringent for a recreation cabin. The Forest Service's position is that any cabin built must adhere to code. The safety and well being of all users of National Forest System lands, and for those providing emergency services, are taken very seriously. Past occupancy and use of a lot does not always equate to being the safest or well intentioned when conditions have changed.

One other issue that has been raised numerous times is whether county codes apply to federal land. The December 21, 2002 letter explained why County building codes were being used. I have also enclosed a copy of the permit clause that states that permittees must comply with County codes. In addition, Chapter 26, of the County Building Code established fire zones that included placing the Angeles National Forest in Fire Zone 4. Section 26.150.020 established Fire Zone 4 (Ord. 10232, 1 (part), 1971; Ord. 2913, 2 (part), 1937) and Section 26.150.030 established Fire Zone 4 - Parcel 1, Angeles Forest.

If you have any further questions or require additional information, please contact me at (626) 335-1251 extension 250.

Sincerely,



MARTY DUMPIS
District Ranger

Enclosures

cc: Jody Noiron Forest Supervisor